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A PROFESSIONAL LIMITED LIABILITY COMPANY

March 9, 2023

**Via ECF**

Magistrate Judge Taryn A. Merkl  
United States Magistrate Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

**RE: KATHYANN SMART v. USA LABOR FOR HIRE, INC., Et. Al.  
Docket No. 20-CV-5594 (ERK) (VMS)**

Dear Judge Merkl:

This office represents Plaintiff Kathyann Smart in the above-referenced action. We write pursuant to Court's Order, dated 2/22/2023, wherein your Honor asked the parties to submit a status report. I apologize for the one-day delay in providing this letter as I was unexpectedly held in State Court for a bench trial all day yesterday. We did advise Counsel for Defendants that we would be filing this letter on behalf of all parties and I apologize to Counsel Pogil for this late submission.

On 9/21/2022, the Parties engaged in mediation, which was unsuccessful. Defendants state that they have nothing further to discuss regarding settlement. As such, the Parties must proceed to trial in this matter.

Defendants indicate that they consent to try this matter before a magistrate and Plaintiff consents as well. Given my current trial schedule/calendar, respectfully, we ask that this matter be placed on the trial calendar for some time after July 2023.

We thank the Court for its time and attention to this matter.

Respectfully Submitted,

/S/  
Gregory Calliste, Jr.

CC: Garry Pogil, Esq. (*via ECF*)